



CSP comments

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To foster the science and the art of soil, water, and related natural resource management to achieve sustainability.

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March 2, 2004

Conservation Operations Division
Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013-2890

To Whom it may Concern:

The Iowa Chapter of the Soil & Water Conservation Society is a professional society of conservation members who are committed to protecting and enhancing Iowa's natural resources.

The Iowa Chapter of the Soil & Water Conservation Society is excited about the prospects of landowner's utilizing the Conservation Security Program in Iowa. Success of the program implementation hinges upon the development of the final rules. We have the following comments and suggestions regarding the proposed rules.

- Funding should be targeted at sensitive areas. We feel allowing states to select these sensitive areas will be more effective than done at the national level. The State Technical committees who coordinate with the NRCS State Conservationist should be utilized in selecting these sensitive areas for CSP.
- Iowa's farmers are ready for CSP. Rewriting the rules will further delay the program. All comments made should be incorporated as supplemental rules.
- As an entitlement program, the CSP rules should be written to the law not reflect current budgets.
- Greater accessibility for landowners will be accomplished by using a continuous sign up process instead of a periodic sign-up as proposed.
- The law includes all resource concerns and therefore they should all be eligible for CSP.
- There is confusion on what is eligible for maintenance payments for practices. If maintenance payments are made they should be made to all practices.
- The sign-up process is lengthy and complex. The process must remain simple while following the program rules.

The Conservation Security Program has the potential to be the strongest conservation legislation ever implemented. Thank you for the opportunity to offer our comments on such an important program.

Sincerely,

Kristie McKinley

Kristie McKinley

President Elect

Iowa Chapter Soil & Water Conservation Society

March 2, 2004

Mr. David McKay
Attention: Conservation Security Program
Conservation Planning Team Leader
Conservation Operations Division
USDA NRCS
P.O. Box 2890
Washington, DC 20013-2890

Email: david.mckay@usda.gov, Attention: Conservation Security Program

Dear Mr. McKay:

We are pleased to submit comments on the proposed rule to implement the 2002 Farm Bill Conservation Security Program. Conservation districts have supported the concept of this incentives-based approach to working lands conservation for many years and are committed to working with landowners and operators and USDA to make the CSP success.

First, we applaud NRCS for developing a proposed rule in the face of the number of legislative changes that were made to the program following its enactment.

We have several comments relative to the proposed rule. We understand that during the development of the proposed rule changes were made to the statute that altered it from an uncapped entitlement program to a "capped entitlement" to be funded at approximately \$3.8 billion over 10 years. Given that change, NRCS proposed a much more limited or alternative program that would be available only to a relatively small number of producers in targeted watersheds. The proposed rule also placed significantly lower limits on cost-share rates and base payments than were provided in the statute; restricted the number and types of practices that would be eligible for maintenance and/or cost-share payments; and required participants to address soil and water resource concerns prior to enrolling in the program and without regard to whether these two resources concerns were the most significant on a given participant's property or in a given community.

The enactment of the 2004 Consolidated Appropriations Bill, however, restored the CSP to an uncapped entitlement as it was originally written. Given that fact, we strongly urge NRCS to prepare a rule to implement the program as originally intended—to reward good land stewards—and without the severe restrictions in the currently proposed rule.

Some of the principal issues that need to be addressed in the rule to fully implement the CSP as written in statute and as an uncapped entitlement are spelled out below.

- **Nationwide Program:** Allow open enrollment for all eligible producers nationwide and delete all references to offering the program to producers only in targeted watersheds.

- **Base Payments:** Provide base payments as directed by the statute: "A base payment under this paragraph shall be the average national per-acre rental rate for a specific land use during the 2001 crop year; or another appropriate rate for the 2001 crop year that ensures regional equity." States should be given flexibility in developing "another appropriate rate" to ensure regional and local equity specified in the law. The proposal to cut the base payment by up to 90 percent of what is required in the law would seriously undermine the purpose of the program.
- **Cost-Share Rate:** Provide the full, statutorily authorized cost-share payment of up to 75 percent of the average county costs of practices for the 2001 crop year for implementing new practices and for maintaining existing land management, vegetative practices and structural practices. Eligible practices should include all approved practices in the local NRCS Field Office Technical Guide.
- **Locally Led Conservation:** To ensure that CSP is truly a locally led conservation program, the state conservationist should be required obtain advice from the state technical committee and local workgroups on the development of the state program technical policies, payment related matters, outreach efforts and other implementation issues. In addition, latitude should be given to the state conservationists and their staffs to craft the program to meet the most pressing environmental and conservation needs in their state or regions of their state.
- **Resource Concerns:** The determination of soil quality and water quality as national resource concerns places primary emphasis on these resource concerns rather than addressing the full range of other conservation concerns—spelled out in the statute—that may be more relevant to various regions and locales. Soil quality and water quality may indeed be national priorities, but others such air quality, energy, wildlife, etc., may be higher priorities in any given locale or region and should be allowed as co-equal objectives as provided in the law. In fact, it is very likely that this new program will lead to or require the development of new and additional practice standards and quality criteria for improved natural resource management. The existing Field Office Technical Guide (FOTG) process, including public comment, offers a practical way to achieve this while still operating the ongoing program.
- **Agricultural Operation Definition:** The proposed definition of an agricultural operation is inconsistent with descriptions in other conservation or farm programs and will likely exclude a significant amount of land from participation thus eliminating some of the most willing and progressive producers from providing environmental benefits that would be achieved by their participation. The definition of an agricultural operation for purposes of implementing and administering the CSP should be similar to USDA farm definitions used in other programs and allow for tenants to work with multiple landowners.
- **Eligibility:** The proposed rule includes three eligibility restrictions that are not in the statute and were likely never intended by lawmakers. The requirement to meet both soil and water quality criteria prior to participation in Tier I and Tier II will severely limit eligibility to only those who have achieved these two quality criteria at the exclusion of other resource concerns. As spelled out in the statute, a Tier I contract should "address at least one significant resource of concern for the enrolled portion of the agricultural operation at a level that meets the appropriate nondegradation standard..." Tier II should require the "adoption and maintenance of conservation practices that address at least one identified resource concern on all of the agricultural operation."

- **Forest Land Eligibility:** The rule needs to expand upon what is included as “an incidental part of the agricultural operation” when determining eligibility for forest land. The rule should be sufficiently modified to allow for all of the nonindustrial private forest land under a producer’s control that is part of a larger agricultural operation to be eligible for enrollment. The rule asks for comment on the quality criteria recommended for forest land. We recommend the full quality criteria established in local FOTGs for woodland just as for crop and grazing lands. When these quality standards or criteria do not exist, they should be developed using existing science and technology appropriate to achieve a nondegradation standard for woodland.
- **Control of Land:** A tenant should receive payments for as long as the tenant has control of the land. When the tenant loses control of the land, payments should cease.

Given the numerous changes that we, and many others, are suggesting, we strongly recommend that NRCS consider these recommendations for incorporation into an interim final rule that, while allowing program implementation to begin, will still be open for comments and further fine tuning based on implementation experience prior to the publication of a final rule.

We appreciate the opportunity to provide comments on the proposed rule.

Sincerely,

Bill Wilson
Chair, NACD Farm Bill Implementation Committee